S.B. Criminal Transfer Petition No. 7/2006
(Ajit Singh Vs. State of Rajasthan)

Date of Order: May 18, 2006

HON'BLE MR. H.R. PANWAR, J.

Mr. H.S.S. Kharlia, for the petitioner.
Mr. JPS Chaudhary, Public Prosecutor for the State.

By the instant transfer petition under Section 407 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner seeks transfer of criminal case pending in the Court of the Additional Chief Judicial Magistrate, Anoopgarh.

I have heard learned counsel for the petitioner.

Petitioner filed an application before the Sessions Judge, Sri Ganganagar under Section 408 of the Code seeking transfer of the case from the Court of Chief Judicial Magistrate, Sri Ganganagar to the Court of the Additional Chief Judicial Magistrate, Raisinghnagar. During pendency of that application, another application was filed by the complainant seeking transfer of the case from the Chief of Chief Judicial Magistrate, Sri Ganganagar to the Court of Additional Chief Judicial Magistrate, Anoopgarh, where the present is said to have been practising as an advocate. On the appreciation of complaint, the case had been transferred to the Court of Additional Chief Judicial

Magistrate, Anoopgarph vide order date 3-8-2005, where the trial is going on and a substantial trial has already been undertaken.

The petitioner seeks transfer of the case on the ground that the other members of the Bar at Anoopgarh are hostile to him. He has not impleaded any such member of the Bar, against whom he has any grudge. Petitioner himself is a practising advocate and presently he is practising at Anoopgarh. In my view, no inconvenience has been caused to the petitioner by transferring the case from Sri Ganganagar to Anoopgarh; on the contrary, it will be more convenient for the petitioner to defend his case being practising advocate at Anoopgarh. In the circumstances, therefore, I do not find any valid ground to transfer the case from Anoopgarh to Raisinghnagar.

The transfer petition is, therefore, dismissed.

(H.R. PANWAR), J.

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